

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

JERMAINE ANDRE ANTHONY)

Date of Previous Judgment: July 8, 2003)

(Use Date of Last Amended Judgment if Applicable))

Case No: 5:01CR08-6

USM No: 17267-058

Robert C. Carpenter

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: _____
Criminal History Category: <u>III</u>	Criminal History Category: _____
Previous Guideline Range: <u>135</u> to <u>168</u> months	Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) was rendered moot by this court's decision to grant the Government's Rule 35(b) motion and to reduce Defendant's sentence of imprisonment to time served. As such, this court will grant Defendant's consent motion to withdraw Defendant's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2).

Except as provided above, all provisions of the judgment dated July 8, 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: October 24, 2008

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge

